

### **III. REMARKS**

#### **A. Status Of The Claims**

Claims 1-24, 67-91, 94 and 96-99 are pending. Claims 25-66, 92-93, and 95 have been previously cancelled. Claims 1, 4, 8, 67, 70, 74 and 97 have been amended. No new matter is added by these amendments, and these amendments are fully supported by the specification. Applicant respectfully requests reconsideration of the rejections of these claims for at least the following reasons.

#### **B. Claim Rejections Under 35 U.S.C. § 103**

##### **1. Claims 1-23, 67-89, 91, 94, 96 and 97**

Claims 1-23, 67-89, 91, 94, 96 and 97 stand rejected under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,343,279 to Bissonette, et al. (“Bissonette”) in view of U.S. Patent No. 5,970,475 to Barnes, et al. (“Barnes”), U.S. Patent No. 6,311,170 to Embrey and U.S. Patent No. 6,032,134 to Weissman. Specifically, the Office Action asserts that Bissonette discloses:

- receiving, at an ordering and payment allocation system and for a buying entity, a plurality of orders comprising at least one order from more than one of the plurality of buyers associated with the buying entity, the plurality of orders corresponding to a seller;
- consolidating, at the ordering and payment allocation system for the buying entities, the plurality of orders into a consolidated invoice comprising particulars on the orders of the plurality of buyers associated with the buying entity;
- making the consolidated invoice available to the at least one buyer;
- receiving, at the ordering and payment allocation system, an approved consolidated invoice for that buying entity, including an indication as to which of the orders a payment is being approved and which orders are being disputed or excepted; and
- allocating the payments using post reconciliation.

Office Action at pg. 3.

The Office Action, however, admits that Bissonette fails to disclose “that there are a plurality of buying entities and that the sellers have a plurality of subsidiaries.” *Id.* Thus, the Office Action refers to Barnes, which allegedly discloses this element, and alleges that “it would have been obvious to a person of ordinary skill in the art at the time of the Applicant’s invention to modify the teachings of Bissonette to include the teachings of Barnes because it allows for a plurality of buyers and suppliers to interact with one another and thus provide greater information and reach in the business environment.” *Id.* at page 4.

The Office Action admits that the proposed combination of Bissonette and Barnes still fails to disclose “aggregating and disaggregating payments.” *Id.* Thus, the Office Action refers to Embrey, which allegedly discloses “consolidating invoices for each buyer associated with the buying entity and receiving at the ordering and payment allocation system each of the consolidated invoices corresponding to the buying entity as well as receiving an aggregate payment and disaggregating each of the aggregated payments by associating portions of the aggregated payment with an approved order and a corresponding subsidiary.” *Id.* Thus, the Office Action alleges that “[i]t would have been obvious to one of ordinary skill in the art at the time of the Applicant’s invention to modify the teachings of Bissonette in view of Barnes to include the consolidated invoice teachings of Embrey because it allows for easy bill management through a single payment for multiple purchases.” *Id.* at page 5.

The Office Action admits, however, that the proposed combination of Bissonette, Barnes, and Embrey fails to disclose “a consolidated invoice as suggested by Applicant where the buying entity receives an invoice with each employees consolidated invoices attached.” *Id.* Thus, the Office Action refers to

Weissman, which allegedly discloses “a credit card billing system for identifying expenditures on a credit card account an invoice for a buying entity is broken down by employees.” *Id.* (citations omitted). Thus, the Office Action contends that “[i]t would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Bissonette in view of Barnes in further view of Embrey to include the consolidated invoice teachings of Weissman because it allows for easy presentation to supervisors or companies for managing purchases by employees.” *Id.* Applicants respectfully disagree, as the Office Action still has not established a *prima facie* case of obviousness.

In order to establish a *prima facie* case of obviousness, at least three criteria must be met. First, there must be some motivation or suggestion to make the proposed combination or modification of the references. Second, there must be a reasonable expectation of success. Finally, the combined or modified references must teach or suggest all claim limitations. *See* MPEP 2142 *et seq.*

Without conceding that the proposed combination of these four references is proper, Applicants submit that this proposed combination fails to disclose or suggest all claim elements. Specifically, claim 1, as amended, recites:

1. A method for ordering and payment allocation for a seller and a plurality of buying entities, the seller having a plurality of subsidiaries, and the plurality of buying entities each having a plurality of buyers, the method comprising the acts of:

***receiving, at an ordering and payment allocation system for the seller,*** a plurality of orders comprising at least one order from more than one of the ***plurality of buyers*** associated with a buying entity, the plurality of orders corresponding to more than one subsidiary of the seller;

***consolidating, at the ordering and payment allocation system for the seller,*** the plurality of orders for the buying entity into a ***consolidated invoice*** comprising particulars on the orders of the plurality of buyers associated with the buying entity;

making each of the consolidated invoices available to the buying entity;

*receiving, at the ordering and payment allocation system for the seller*, an approved consolidated invoice from the buying entity, including an indication as to which of the orders a payment is being approved and *which orders are being disputed or excepted*;

receiving, at the ordering and payment allocation system for the seller, an aggregated payment from the buying entity;

disaggregating the aggregated payments by associating portions of the aggregated payment with an approved order and a corresponding subsidiary;

*allocating the portions of each of the aggregated payments to the corresponding subsidiary for which the payment has been made*;

gathering A/R data and information based on the payments to subsidiaries, approved orders or the disputed or excepted orders; and

providing the A/R data and information to the seller.

Appl'n, Claim 1 (emphasis added).

Contrary to the Office Action's assertion, Bissonette does not disclose what the Office Action alleges. Of particular note is that Bissonette is directed to a system that "integrates credit card transactions into a financial management system used by a company to track and control budgets, etc." Bissonette, Abstract. This system is used by the *buyer*. Unlike the present application, Bissonette is not concerned with the management and consolidation of invoices by a *seller*. For this reason, Bissonette fails to disclose the elements alleged by the Office Action.

Specifically, Bissonette does not disclose "receiving, at an ordering and payment allocation system *for the seller*, a plurality of orders comprising at least one order from more than one of the *plurality of buyers* associated with a buying entity, the plurality of orders corresponding to more than one subsidiary of the seller" as claimed in claim 1. Although the Office Action cited Bissonette, col. 5, line 17 - col. 6, line 17, this passage only discloses three types of independent

transactions -- the non-preapproved transaction, the preapproved transaction, and the interactive transaction. There is no disclosure that these transactions are received in the same embodiment -- thus, they are not a “plurality.” Further, none of these transactions are orders, and these transactions are not disclosed to correspond to more than one subsidiary of the seller.

Next, Bissonette does not disclose “consolidating, at the ordering and payment allocation system *for the seller*, the plurality of orders for the buying entity into a *consolidated invoice* comprising particulars on the orders of the plurality of buyers associated with the buying entity.” The cited portion of Bissonette -- col. 9, line 62 - col. 10, line 10 -- discloses accessing a “credit card statements table,” not consolidating the orders into a consolidated *invoice*. Nor does col. 14, lines 14-20, also cited, which only describes “group approval.” A credit card statement is not an “invoice.” The only thing arguably consolidated by Bissonette are credit card statements.

Similarly, Bissonette does not disclose “making each of the consolidated invoices available to the buying entity.” Indeed, as Bissonette does not disclose that invoices are consolidated, as discussed above, this element can not met.

Bissonette also does not disclose “receiving, at the ordering and payment allocation system for the seller, an approved consolidated invoice from the buying entity, including an indication as to which of the orders a payment is being approved and which orders are being *disputed or excepted*.” Although Bissonette discloses the approval or rejection of transactions, the cited portions of Bissonette do not disclose an indication that an approved consolidated invoice that indicates which orders are approved and which are disputed or excepted is received. Therefore, this element is not disclosed by Bissonette.

Finally, Bissonette fails to disclose “allocating the portions of each of the aggregated payments to the corresponding subsidiary for which the payment has been made.” Indeed, the Office Action does not specifically allege that this element is disclosed. Instead, the Office Action only alleges that Bissonette discloses “allocating the payments using post reconciliation.” *Id.* Regardless, Bissonette does not disclose the allocation of aggregated payments. Again, as Bissonette is directed to the buyer, not the seller, this passage of Bissonette refers to the authorization for payment. *See, e.g.*, Col. 14, ll. 21-26 (“In generating credit card payments and adjusting the account codes 128 the system process in a loop 620-622 (see FIG. 21) where approved entries in the credit card statements table are processed until all the statements have been processed, ***at which time the credits are processed 624 for payment authorization*** and processing ends 626.”) (emphasis added). Thus, this element is also not disclosed by Bissonette.

The proposed combination of Bissonette and Barnes fails to disclose the alleged claim elements. In addition to the shortcomings of Bissonette, Barnes fails to disclose “a seller having a plurality of subsidiaries,” and a plurality of buying entities each having a plurality of buyers” as claimed. Instead, it is unclear whether the Office Action considers a buyer that is a “large company” having “one location or a plurality of distributed or remote locations or facilities” to be a seller having a plurality of subsidiaries. *See Barnes*, Col. 7, ll. 48-59. Not only does Barnes specifically refer to a **buyer** and not a seller, but it also does not disclose any subsidiaries for this buyer. Further, Barnes is silent with regard to consolidated invoices, aggregated payments, and the like. In short, Barnes is not only irrelevant to the pending claims, but it fails to disclose the asserted elements.

Neither Embrey nor Weissman cure the deficiencies in the proposed combination of Bissonette and Barnes. Therefore, Applicants respectfully request

that the rejection on independent claim 1, and all claims dependent thereon, be withdrawn.

Independent claims 67 and 97 include elements similar to those discussed above for claim 1. Accordingly, for similar reasons to those provided for claim 1, Applicants requests that the rejection of independent claims 67 and 97, and all claims dependent thereon, be withdrawn.

2. Claims 24 and 90

Claims 24 and 90 stand rejected under 35 U.S.C. § 103(a) as allegedly rendered obvious by Bissonette, Barnes, Embrey, Weissman, and further in view of U.S. Patent No. 5,825,003 to Jennings, et al. ("Jennings"). Applicants respectfully disagree.

Claims 24 and 90 depend on independent claims 1 and 67, respectfully, and include all limitations of these claims and any intervening claims. *See* 35 U.S.C. § 112, ¶ 4. Thus, for at least the reasons discussed above, Applicants respectfully request that the rejection of claims 24 and 90 be withdrawn.

**IV. CONCLUSION**

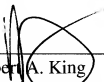
Applicants respectfully submit that the application is in condition for allowance. Applicants believe that no fees are necessary in connection with the filing of this document. In the event any fees are necessary, please charge such fees, including fees for any extensions of time, to the undersigned's Deposit Account No. 50-0206. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the

Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

Dated: October 21, 2009

By:

  
Robert A. King  
Registration No. 42,738

HUNTON & WILLIAMS LLP  
1900 K Street, N.W.  
Suite 1200  
Washington, D.C. 20006-1109  
Telephone: 202.955.1500  
Facsimile: 202.778.2201